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List of issues to be taken up in connection with the consideration of the second periodic report of Georgia (CCPR/C/GEO/2000/2), adopted by the Human Rights Committee on 12 October 2001

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please clarify how compliance with the provisions of the Covenant are ensured in light of the fact that "international treaties concluded by the country rank second, after the Constitution" (paragraph 21 of the report). In view of article 6 of the Constitution, under which "international treaties and agreements to which Georgia is party and which do not contradict the Constitution shall prevail over domestic legislation," please indicate whether, during the period under review, there have been any cases in which provisions of the Covenant were directly invoked before any State organs, the constitutional court and ordinary courts, referred to in judicial decisions, or applied in precedence of a conflicting provision of domestic law (paragraph 83 of the core document, paragraph 5 of the report).

2. Please provide information on what progress has been made, since the submission of the report, with the full implementation of the Committee's Views under the Optional Protocol, particularly with regard to Communications Nos. 623-624 and 626-627/1995.

3. Please comment on the current situation in Abkhazia and South Ossetia and its impact on the exercise of the rights guaranteed in the Covenant, both for people currently living in those areas and for refugees and internally displaced persons seeking to return (paragraphs 23, 29-32 of the report).

Right to life, prevention from torture, liberty and security of the person, the treatment of detainees (arts. 6, 7, 9 and 10)

4. Please specify what action has been taken as a result of the Presidential decree on measures to strengthen the protection of human rights in Georgia of June 1997, including measures to monitor and guarantee the rights of persons in pre-trial detention or serving custodial sentences, and steps to improve the conditions of detention and medical care of detainees and convicts, particularly in police stations and prison establishments, which are described in the report as not measuring up to requirements (paras. 5, 194). Please elaborate on steps taken by the Office of the Ombudsperson to use its powers to carry out visits of places of detention, particularly police stations. In this context, please elaborate on the role of non-governmental organizations in visiting places of detention, including police stations, and the provision by non-governmental organizations of legal services for arrested and detained persons (para. 197).

5. Please provide information on the number of deaths in prison or pre-trial detention and the results of investigations into such cases.

6. What are the comments of the State party on the numerous allegations, received by the Committee, of torture and other acts of cruel, inhuman or degrading treatment or punishment by law-enforcement officials? Is it planned to take appropriate steps, in particular under the Criminal Code, to prevent and punish any abuse by law-enforcement officials?

7. Please clarify how the rights of detained persons to have access to a lawyer and a doctor of their choice, as well as to inform relatives, are protected in law and in practice (paras. 131 and 328-330). What are the measures taken by the State party to inform persons deprived of their liberty promptly of their rights, including the right to complain to the authorities against ill-treatment? In this context, please comment on the practice by law-enforcement officials of classifying suspects under detention as witnesses, which has the effect of denying them the right to have the assistance of a lawyer. Please elaborate on "short-term detention" as described in paragraph 164 and the rights of a person deprived of liberty during the first 12 hours following arrest.

8. Is there an independent mechanism for investigating complaints against members of the police and prison guards, and, if not, how are such complaints investigated? Please provide statistics of the number of such complaints and their outcome.

Independence of the Judiciary and the right to a fair trial (art. 14)

9. Please provide information on how the General Courts Act and Supreme Court Act (paras. 6 and 298) ensure the independence of the judiciary in practice. Please elaborate on the judicial reform referred to in paragraph 302. What steps have been taken by the State party to combat alleged corruption in the judiciary? Please provide information on the reform of the prosecution service.

10. With reference to the right to the assistance of counsel referred to in paragraphs 328-330, please elaborate how this right is realized in practice.

Non-discrimination, equality between the sexes, rights of persons belonging to minorities (arts. 2 (1), 3, 26, 27)

11. What action has been taken or is planned to enhance the status of women in public life, including Parliament? What steps have been taken to eliminate discrimination against women and provide legal remedies against discrimination, and with what results? Have any steps been taken to reproduce the wording of article 3 of the Covenant in the Constitution as suggested in paragraph 54? Please elaborate on progress in the implementation of the National Plan of Action for the Advancement of Women (para. 55).

12. Please indicate existing measures to combat and eliminate violence against women, including domestic violence and sexual harassment in the workplace (para. 55). Has anything been done to raise public awareness of these issues and increase the assistance available to victims?

13. Please provide information and available statistics on the trafficking of women and girls for the purpose of prostitution. In view of the legislation relating to sexual exploitation and the trafficking of minors (para. 144), what specific measures, in law and in practice, has the State party taken to combat these practices in its territory?

14. Please comment on any progress in the repatriation of Meshketians who were expelled from southern Georgia to the Central Asian Republics of the former Soviet Union, and in their acquisition of citizenship.

Freedom of religion (art. 18)

15. What are the implications of the recognition of the special role of the Orthodox Church in law and in practice? Has there been any progress towards the adoption of an act on freedom of conscience and religious associations (para. 440)?

16. With reference to instances of religious intolerance as noted in paragraph 438, what have been the results of the criminal proceedings and the inquiry? What action has the State party taken to prevent such incidents in future? Please comment on the numerous reports of mob violence against religious minorities, particularly Jehovah's Witnesses, and on the allegations that the police has failed to intervene and take appropriate action to prevent and prosecute such acts.

17. Please provide details on the Non-Military Service Act and its application.

Freedom of opinion and expression and the right to receive information (art. 19)

18. Please explain how the restrictions on freedom of opinion and information, in particular for the "suppression of crime", as specified in paragraph 441, are in compliance with article 19 of the Covenant.

19. With reference to the restriction on access to non-classified information held by an administrative body on grounds of professional, commercial or personal confidentiality, what progress has been made in amending the provisions restricting access to non-classified information (para. 459)?

20. Please provide information on whether the new Criminal Code has eliminated the possibility of prosecuting political opponents for their beliefs under cover of upholding the law.

Rights of the child (art. 24)

21. Please elaborate on progress made in the implementation of the State Programme for the Protection, Development and Social Rehabilitation of Minors, particularly with regard to street-children (para. 529). Please indicate what steps have been taken by the Government to establish a code of standards to ensure adequate care and protection for children deprived of a family environment, as recommended by the Committee on the Rights of the Child.

Right to take part in the conduct of public affairs (art. 25)

22. What effect on the enjoyment of rights under article 25 of the Covenant has followed from the new Electoral Code and the Organic Law on local government and self-government?

23. Please explain how the legislation depriving internally displaced persons of the right to take part in elections based on a majority vote (article 33 (a) of the Parliamentary Elections Act) or municipal elections (article 36 (2) of the Municipal Elections Act - "Sakrebulo"), and the Internally Displaced Persons Act (article 6 (2), subparagraph 3) are compatible with the principles of universal and equal suffrage (para. 535).

Dissemination of information relating to the Covenant (art. 2)

24. What measures have been taken to publicize this report in Georgia? What action will be taken to publicize the Committee's Concluding Observations?

25. Are there any programmes to train members of the Judiciary, law-enforcement officials and other public officials about the provisions of the Covenant and their application? If not, are there plans to set up such programmes?

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